

Lebanon County Commissioners' Office



RESOLUTION NO. 4-11-12

WHEREAS, §13201 of the County Code authorizes the County to impose a temporary County-wide burn ban on open fires: Act of October 24, 1995, P.L. 332, No. 52 P.S. § 13201; and

WHEREAS, severe dry conditions have existed for a substantial period of time; and

NOW, THEREFORE, BE IT RESOLVED, that a temporary County-wide burn ban will be in effect commencing at 12:01 a.m. on Saturday, April 14, 2012, prohibiting outdoor burning. "Outdoor burning" is defined as the ignition and subsequent burning of a combustible material (garbage, leaves, grass, twigs litter, paper, vegetative matter involved with land clearing or any sort of debris) out-of-doors, either in a burn barrel, (screened or unscreened) fire ring, or any similar device, or on the ground is banned. The use of propane stoves, charcoal briquette grills, or the use of tobacco in any form is not covered under this open burning ban. Campfires are allowed in fire rings that confine and contain the campfire in state, federal or Department of Environmental Protection licensed campgrounds only.

BE IT FURTHER RESOLVED, that this temporary County-wide burn ban on outdoor burning will be in effect for no more than thirty (30) days. Upon the recommendation of the district forester, this burn ban may extend for up to an additional thirty (30) days.

BE IT FURTHER RESOLVED, that any person who violates the temporary County-wide burn ban will be subject to all penalties as provided by applicable law.

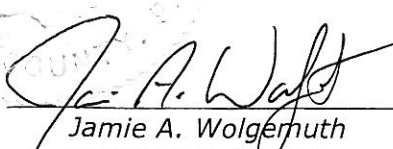
BE IT FURTHER RESOLVED, THAT WE, The Commissioners of Lebanon County do hereby authorize the Emergency Management Coordinator to grant waivers from this ban on a case-by-case basis to any commercial, industrial or agricultural entity if compliance with the ban on outdoor burning will create an undue hardship.

ADOPTED this 11th day of April, 2012.

BOARD OF COUNTY COMISSIONERS

(Seal)

ATTEST:


Jamie A. Wolgemuth
County Administrator

Robert J. Phillips

William E. Ames

Jo Ellen Litz

No. 1995-52

AN ACT

HB 292

Authorizing the imposition of temporary countywide burn bans under certain circumstances; and providing penalties for violations.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Authorization.

(a) General rule.—Subject to the prerequisites of subsection (b), the governing body of any county of the second class through eighth class, including home rule counties, shall have the power and may, by resolution, provide for the imposition of a temporary countywide burn ban on open fires. The resolution shall state what conditions will warrant a temporary countywide burn ban, the procedures used to notify residents of the ban, the procedures used to enforce the ban and the procedures used to remove the ban. Each resolution shall require a minimum notice of 48 hours prior to the imposition of a temporary countywide burn ban.

(b) Prerequisites.—Prior to adopting any countywide burn ban on open fires under subsection (a), the governing body of the county shall have received a written recommendation from the district forester who has received or solicited verbal requests from at least ten fire chiefs or 50% of the fire chiefs in a county, whichever is less, from various sections of the county recommending and requesting the imposition of a temporary countywide burn ban on open fires.

(c) Duration.—Any burn ban imposed under this section shall remain in effect for no more than 30 days. The county commissioners, upon the recommendation of the district forester, may extend the ban for up to an additional 30 days.

Section 2. Construction.

Any burn ban imposed under section 1 shall supersede any municipal ordinance to the contrary.

Section 3. Enforcement.

(a) Enforcing officials.—Any sworn police officer when available, including the Pennsylvania State Police, shall be responsible for enforcing the provisions of this act.

(b) Limitation.—Whenever a violation of this act occurs in a city, borough, incorporated town or township which has in effect an ordinance prohibiting open burning, the police officer may cite the violation under either the municipal ordinance or the county resolution. Under no circumstances shall any person be cited for violations of both the county resolution and the municipal ordinance for the same violation.

Section 4. Penalty.

A person who violates this act commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$100 for the first offense, \$200 for the second offense and \$300 for the third offense.

Section 5. Effective date.

This act shall take effect in 60 days.

APPROVED—The 24th day of October, A.D. 1995.

THOMAS J. RIDGE

§ 13006. Repeals

All acts and parts of acts are repealed in so far as they are inconsistent herewith.

1963, Aug. 14, P.L. 839, § 5, imd. effective. Renumbered § 6 and amended 1967, Nov. 30, P.L. 650, § 3.

Historical and Statutory Notes

Renumbered from 17 P.S. § 2040 106.

Former 17 P.S. § 2040 105 renumbered as § 2040.106.

This section was included in Act 1963, Aug. 14, P.L. 839 as § 5. The 1967 act renumbered it as § 6.

ARTICLE XXX. THIRD CLASS COUNTY CONVENTION CENTER AUTHORITY ACT

Historical and Statutory Notes

Section 301 of Act 1996, June 27, P.L. No. 403, No. 58, 71 P.S. § 1709.301, provides that the following function of the Department of Community Affairs is transferred to the Department of Community and Economic Development: hours-
ing, community assistance and other functions under the act of December 27, 1994 (P.L. 1375, No. 162), known as the Third Class County Convention Center Authority Act.

§§ 13101 to 13124. Repealed. 1999, Nov. 3, P.L. 461, No. 42, § 4, imd. effective

Historical and Statutory Notes

Former §§ 13101 to 13124, which derived from Act 1994, Dec. 27, P.L. 1375, §§ 1 to 24, constituted the Third Class County Convention Center Authority Act.

ARTICLE XXXI. BURN BANS

§ 13201. Authorization

(a) **General rule.**—Subject to the prerequisites of subsection (b), the governing body of any county of the second class through eighth class, including home rule counties, shall have the power and may, by resolution, provide for the imposition of a temporary countywide burn ban on open fires. The resolution shall state what conditions will warrant a temporary countywide burn ban, the procedures used to notify residents of the ban, the procedures used to enforce the ban and the procedures used to remove the ban. Each resolution shall require a minimum notice of 48 hours prior to the imposition of a temporary countywide burn ban.

(b) **Prerequisites.**—Prior to adopting any countywide burn ban on open fires under subsection (a), the governing body of the county

shall have received a written recommendation from the district forester who has received or solicited verbal requests from at least ten fire chiefs or 50% of the fire chiefs in a county, whichever is less, from various sections of the county recommending and requesting the imposition of a temporary countywide burn ban on open fires.

(c) **Duration.**—Any burn ban imposed under this section shall remain in effect for no more than 30 days. The county commissioners, upon the recommendation of the district forester, may extend the ban for up to an additional 30 days.

1995, Oct. 24, P.L. 332, No. 52, § 1, effective in 60 days.

Historical and Statutory Notes

Title of Act: An Act authorizing the imposition of penalties for violations. 1995, Oct. 24, temporary countywide burn bans under P.L. 332, No. 52.

§ 13202. Construction

Any burn ban imposed under section 1 shall supersede any municipal ordinance to the contrary.

1995, Oct. 24, P.L. 332, No. 52, § 2, effective in 60 days.

§ 13203. Enforcement

(a) **Enforcing officials.**—Any sworn police officer when available, including the Pennsylvania State Police, shall be responsible for enforcing the provisions of this act.

(b) **Limitation.**—Whenever a violation of this act occurs in a city, borough, incorporated town or township which has in effect an ordinance prohibiting open burning, the police officer may cite the violation under either the municipal ordinance or the county resolution. Under no circumstances shall any person be cited for violations of both the county resolution and the municipal ordinance for the same violation.

1995, Oct. 24, P.L. 332, No. 52, § 3, effective in 60 days.

§ 13204. Penalty

A person who violates this act commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$100 for the first offense, \$200 for the second offense and \$300 for the third offense.

1995, Oct. 24, P.L. 332, No. 52, § 4, effective in 60 days.